



COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

April 16, 2013

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

32 April 16, 2013

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**APPROVE AMENDMENT 1 TO COOPERATIVE AGREEMENT 77506 FOR
NOGALES STREET GRADE SEPARATION PROJECT
COUNTY OF LOS ANGELES – LOS ANGELES COUNTY FLOOD CONTROL
DISTRICT – ALAMEDA CORRIDOR–EAST CONSTRUCTION AUTHORITY
UNINCORPORATED COMMUNITY OF
ROWLAND HEIGHTS AND CITY OF INDUSTRY
(SUPERVISORIAL DISTRICTS 1 AND 4)
(3 VOTES)**

SUBJECT

This action is to approve Amendment 1 to Agreement 77506 with the Alameda Corridor-East Construction Authority covering the design, construction, and maintenance of the Nogales Street Grade Separation project in the unincorporated community of Rowland Heights and the City of Industry.

**IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE
COUNTY OF LOS ANGELES AND THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

Approve and instruct the Chairman of the Board to sign Amendment 1 to Agreement 77506 between the County of Los Angeles, the Los Angeles County Flood Control District, and the Alameda Corridor-East Construction Authority covering the design, construction, and maintenance of the Nogales Street Grade Separation project to update the sources of Federal funds being used for the project.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to approve and instruct the Chairman of the Board to sign Amendment 1 to Agreement 77506 between the County of Los Angeles, the Los Angeles County Flood Control District, and the Alameda Corridor-East Construction Authority (ACE) covering the design, construction, and maintenance of the Nogales Street Grade Separation project in the unincorporated community of Rowland Heights and the City of Industry. The amendment updates the sources of Federal funds being used for the project.

Under Agreement 77506, the County contributed \$13,283,147 in Federal transportation funds toward the cost of the Nogales Street Grade Separation project. The California Department of Transportation recently determined that a portion of the County's contribution consisting of Federal Intermodal Surface Transportation Equity Act (ISTEA) demonstration funds is not available to the County due to an accounting adjustment, leaving a shortfall of \$315,303. Working with ACE, the County has identified other Federal funds that can be used to cover the shortfall.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Fiscal Sustainability (Goal 2). The grade separation project will improve traffic flow and safety and foster economic vitality, thereby enhancing County residents' quality of life. This amendment will also facilitate the use of Federal funds to finance the project cost by reducing the economic burden on the County.

FISCAL IMPACT/FINANCING

There will be no impact to the County's General Fund.

The total cost of the Nogales Street Grade Separation project is currently estimated to be \$92,878,000. The County's fixed contribution of \$13,283,147 toward the project cost originally consisted of \$6,936,147 in Federal ISTEA demonstration funds and \$6,347,000 in Federal Congestion Mitigation and Air Quality funds. Caltrans recently advised that only \$6,620,844 in Federal ISTEA demonstration funds are currently available to the County for use on the project, leaving a shortfall of \$315,303.

The County and ACE have identified other Federal grant funds, including \$71,992 in Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users High Priority Project funds and \$41,369 in Federal Railroad Administration funds that can be used to finance a portion of the shortfall. The remaining balance will be financed using \$201,942 in County Federal Surface Transportation Program–Local funds, with this contribution to be split equally between the First and Fourth Supervisorial Districts' Fiscal Year 2012-13 Road Construction Programs.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On May 10, 2011, Item 41, the Board approved Agreement 77506 between the County, the Los Angeles County Flood Control District, and ACE covering the design, construction, and maintenance of the Nogales Street Grade Separation project in the unincorporated community of Rowland Heights and the City of Industry.

The enclosed Amendment 1 to Agreement 77506 has been reviewed and approved, as to form, by County Counsel.

ENVIRONMENTAL DOCUMENTATION

On May 10, 2011, Agenda Item 41, the Board found that there is no substantial evidence the Nogales Street Grade Separation project will have a significant effect on the environment, adopting the Mitigation Monitoring and Reporting Program for the project, and finding the program is adequately designed to ensure compliance with the required mitigation measures.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The construction contract for the Nogales Street Grade Separation project was recently awarded. Execution of this amendment will ensure the necessary funding to complete the project.

CONCLUSION

Please return one adopted copy of this letter and two originals of the signed Amendment 1 to Agreement 77506 to the Department of Public Works, Programs Development Division.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER
Director

GF:JTW:pr

Enclosures

c: Chief Executive Office (Rita Robinson)
County Counsel
Executive Office

**AMENDMENT No. 1 TO THE AGREEMENT DATED MAY 10, 2011
BETWEEN THE COUNTY OF LOS ANGELES AND THE LOS ANGELES COUNTY
FLOOD CONTROL DISTRICT AND THE
ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY**

**REGARDING THE DESIGN AND CONSTRUCTION OF NOGALES STREET GRADE
SEPARATION AT THE UNION PACIFIC RAILROAD LOS ANGELES SUBDIVISION**

This Amendment No. 1 to the Agreement dated May 10, 2011, regarding the design and construction of the Nogales Street grade separation at the Union Pacific Railroad Los Angeles Subdivision by the Alameda Corridor-East Construction Authority (the "Amendment") is dated as of 16th day of April, 2013, by and between the County of Los Angeles and the Los Angeles County Flood Control District ("COUNTY"), and the Alameda Corridor-East Construction Authority of the San Gabriel Valley Council of Governments ("ACE").

WITNESSETH:

WHEREAS, The COUNTY and ACE on May 10, 2011, entered into an agreement regarding the design and construction of Nogales Street grade separation at the UPRR LA Subdivision by ACE on behalf of the COUNTY ("AGREEMENT"); and

WHEREAS, Under Section II, Paragraph 7, of the AGREEMENT the COUNTY agreed to contribute Thirteen Million Two Hundred Eighty-Three Thousand One Hundred Forty-Seven dollars (\$13,283,147.00) with Six Million Nine Hundred Thirty-Six Thousand One Hundred Forty-Seven dollars (\$6,936,147.00) in Intermodal Surface Transportation Equity Act Demonstration Program (ISTEA) funds, and Six Million Three Hundred and Forty-Seven Thousand dollars (\$6,347,000.00) in Congestion Mitigation and Air Quality (CMAQ) funds through the State of California, acting through its Department of Transportation (Caltrans) as part of the exchange of funds between COUNTY, ACE, and the Los Angeles County Metropolitan Transportation Authority; and

WHEREAS, due to previous funding obligations, it is now apparent to the COUNTY and ACE that the COUNTY's funding contribution would need to come from different sources: and

WHEREAS, the new funding sources are now identified, and both the COUNTY and ACE need to modify the AGREEMENT to accurately reflect the COUNTY's funding contribution to the project

AMENDMENT:

NOW, THEREFORE, the COUNTY and ACE mutually agree as follows:

1. SECTION II, Paragraph 7 of the AGREEMENT shall be deleted and replaced with the following:

“COUNTY agrees to contribute a total of Thirteen Million Two Hundred Eighty-Three Thousand One Hundred Forty-Seven dollars (\$13,283,147.00) to fund the PROJECT. Of the total COUNTY contribution, Six Million Six Hundred Twenty Thousand Eight Hundred Forty-Four dollars (\$6,620,844.00) will be funded through Intermodal Surface Transportation Equity Act Demonstration Program (ISTEA) funds, and Six Million Three Hundred and Forty-Seven Thousand dollars (\$6,347,000.00) will be funded with Congestion Mitigation and Air Quality (CMAQ) funds, Seventy One Thousand Nine Hundred Ninety Two dollars (\$71,992.00) will be funded with Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) funds, Forty One Thousand Three Hundred Sixty Nine dollars (\$41,369) will be funded in Federal Rail Administration (FRA) funds, and Two Hundred One Thousand Nine Hundred Forty Two dollars (\$201,942) will be funded with Local Surface Transportation Program (LSTP) funds. All of the identified funding sources will be transferred to ACE through the State of California, acting through its Department of Transportation (Caltrans) as part of the exchange of funds between COUNTY, ACE, and the Los Angeles County Metropolitan Transportation Authority. The funds will be accessed by ACE through submission of a Request for Authorization of funds to Caltrans.”

In WITNESS WHEREOF, ACE and COUNTY hereto have caused this Amendment to be executed by their respective officers as of the date first written above.

COUNTY OF LOS ANGELES

Mark Ridley-Thomas

Chairman, Board of Supervisors

ALAMEDA CORRIDOR-EAST
CONSTRUCTION AUTHORITY

George N. Ryan

Chief Executive Officer

ATTEST:

Sachi Hamai

Sachi Hamai
Executive Officer
Board of Supervisors
County of Los Angeles

Deputy



ATTEST:

Theresa R. Stalley

Secretary

APPROVED AS TO FORM:

John F. Krattli

JOHN F. KRATTLI
County Counsel

APPROVED AS TO FORM:

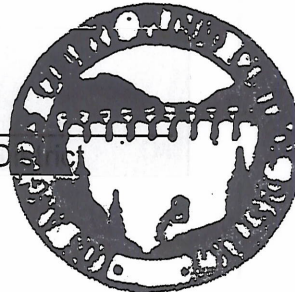
Joey F. Flynn

ACE General Counsel

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

Mark Ridley-Thomas

Chair, Los Angeles County Flood Control District



APPROVED AS TO FORM:

John F. Krattli w/ concurrence of Mark Tanai

JOHN F. KRATTLI
County Counsel

I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

Sachi A. Hamai

Deputy

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

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APR 16 2013

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

77506, Supplement No. 1